

CASE 20-C-247

OHIO

PAGE 0001

COURTNEY FERGUSON

VS. MARKIETH SAUNDERS

LINE DATE ACTION

1 12/01/20 COMPLAINT; MEMO; SUMMONS ID TO MARKIETH SAUNDERS AND MIETE LLC  
2 C/O TYRUN HUWA BY CM; RECEIPT  
3 12/10/20 R/S CMC ID TO MARKEITH SAUNDERS -SIGNED COVID 19 ON 12/07/  
4 12/11/20 R/S CMC ID TO TYRUN HUMA-SIGNED BY JAMES PEAKE ON 12/07/20  
5 12/30/20 NOTICE OF BONA FIDE DEFENSE FRO DEFENDANT MARKEITH SAUNDERS; COS

**CERTIFIED  
TO BE A TRUE AND EXACT  
COPY OF THE ORIGINAL.**

**Exhibit A**

DEC 1 20 PM 8:46  
OHIO CO CIRCUIT COURT

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

COURTNEY R. FERGUSON &  
DAVID SCHRIEBER,

Plaintiffs,

vs.

Civil Action No. 20-C-247

MARKIETH SAUNDERS &  
MIETE L.L.C.,

Judge Wilson

Defendants.

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**COMPLAINT**

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NOW COME the Plaintiffs, Courtney R. Ferguson and David Schrieber, by and through their counsel, Zavolta Law Office, for their cause of action against the Defendants, Markieth Saunders and Miete L.L.C., state and allege, as follows, to-wit:

**GENERAL ALLEGATIONS**

1. Plaintiff Courtney Ray Ferguson, (hereinafter referred to as "Plaintiff Ferguson") is an adult individual and resident of 14969 Reedley Street, Moorpark, CA 93021.

2. Plaintiff David Schrieber, (hereinafter referred to as "Plaintiff Schrieber") is the owner of Action Gaming, Inc., and the owner of the 1992 Chevrolet S10 Pickup, VIN 1GCCS14ZXN8223869 and has a business address of 68 18th Street, Wheeling, Ohio County, West Virginia, 26003.

3. Defendant Markieth Saunders is an adult individual with a last known residence address of 4707 Cairnvillage, Houston, Texas 77084.

4. Defendant Miete, L.L.C., (hereinafter referred to as Defendant Miete) is a foreign corporation organized under the laws of the State of Colorado, and to the best of Plaintiff's knowledge and based upon available information and belief operates as an oil and gas service provider / company, providing services in the oil and gas and their related fields to locations throughout the United States, including the State of West Virginia thereby purposefully availing itself to the laws, benefits, privileges and protections of the State of West Virginia.

5. Defendant Miete, L.L.C. utilizes the roadways, interstates and other amenities in the State of West Virginia to perform and operate its oil and gas related work and or jobs, thereby purposefully availing itself to the laws, benefits, privileges and protections of the State of West Virginia.

6. Based upon available information and belief and according to the Colorado Secretary of State's website, Defendant Miete has a principal place of business at 4626 County Road 65, Keenesburg, Colorado, 80643 and a notice of process address of % Tyrun Huwa, 4626 WCR 65, Keenesburg, Colorado, 80643.

7. At all times material and relevant herein, Defendant Miete, L.L.C. had applicable liability insurance coverage in place through Everest Insurance Company, Policy Number EN4CA00257-181.

8. At all times material and relevant herein, Plaintiffs at the time of the accident at issue had applicable liability motor vehicle coverage with Nationwide Insurance Company, Policy Number ACPBA5746154340.

9. Plaintiff Courtney Ferguson was at all times without comparative negligence and or any other wrongful conduct concerning the accident at issue in this litigation.

10. Plaintiff Courtney Ferguson at all times material and relevant herein was within the course and scope of his employment with Action Gaming Inc., and or was a permissive user of the 1992 Chevrolet S10 pick-up truck owned by David Schrieber and or Action Gaming Inc.

11. At all times material and relevant herein, Defendant Markieth Saunders was within the course and scope of his employment with Defendant Miete and or was a permissive user of a 2017 GMC Sierra motor vehicle owned and or operated by Defendant Miete.

**COUNT I - LIABILITY AND ZERO COMPARATIVE NEGLIGENCE**

12. Plaintiffs hereby incorporate by reference all paragraphs of this Complaint as if fully restated herein.

13. That on or about January 14, 2019, in Wheeling, Ohio County, West Virginia, on a public roadway known as Route 40 / National Road near the Interstate 70 Westbound on-ramp near the Shilling Bridge, Defendant Markieth Saunders carelessly, recklessly, and negligently operated the 2017 GMC Sierra Pickup motor vehicle in such a manner and with such great force as to negligently cause a severe and substantial driver side swipe type collision with the 1992 Chevrolet S10 Pickup operated by Plaintiff Ferguson.

14. Defendant Markieth Saunders was operating said motor vehicle as permissive user and or with the express and or implied permission of owner Defendant Miete L.L.C., and or in the course and scope of his employment with Defendant Miete, thereby causing any and all applicable insurance coverage to apply to this severe and substantial collision.

15. The Defendants, at the time of the motor vehicle accident at issue, were negligent in causing serious injuries, damages, and losses to Plaintiffs as are hereinafter set forth.

16. Defendants, as alleged hereinbefore, were negligent toward Plaintiffs, in one or more of the following areas, among others in the operation of said motor vehicle, including violating the Motor Vehicle Code, safety laws and other laws of the State of West Virginia, including, but not limited to:

- (a) Failure to maintain control of his vehicle;
- (b) Failure to exercise due care generally in the operation of said motor vehicle;
- (c) Operating said motor vehicle in a manner unsuited to the roadway;
- (d) Failing to observe the traffic which was lawfully on the roadway;
- (e) Failing to keep a safe lookout;
- (f) Failing to operate the said motor vehicle in accordance with existing traffic conditions;
- (g) Improper turn;
- (h) Other acts and omissions.

17. As a direct and proximate result of the negligent acts and omissions by Defendants, Plaintiffs were proximately caused to be injured and damaged as hereinafter set forth.

**COUNT II - NEGLIGENT ENTRUSTMENT**

18. Plaintiffs hereby incorporate by reference all paragraphs of this Complaint as if fully restated herein.

19. Based on the available information and belief Defendant Miete L.L.C. was the owner of the 2017 GMC Sierra Pickup motor vehicle operated by Defendant Markieth Saunders.

20. Defendant Miete L.L.C, based upon the available information and belief and at all times material and relevant, had actual and or constructive notice and knowledge that Defendant Markieth Saunders was unfit to operate the 2017 GMC Sierra Pickup motor vehicle with reasonable safety for other motor vehicle operators upon the roadways of the State of West Virginia, including, but not limited to Plaintiff Courtney Ferguson.

21. Defendant Miete L.L.C. thereby breached duties owed and committed negligence in entrusting the said motor vehicle to Defendant Markieth Saunders.

22. As a direct and proximate result of the negligent, careless and negligent acts and omissions and other violations of the law by Defendants as aforesaid, Plaintiff Ferguson was injured and damaged as hereinbefore set forth.

23. As a direct and proximate result of the negligent acts and/or omissions, and/or other violations of law, by the Defendants as aforesaid, Plaintiffs Ferguson were proximately caused to be injured to the following, but not limited to, areas of his body: in and about his head, neck, back, shoulders, arms, extremities, body chemistry, psyche, muscles, tissues, fascia, and other body parts and injuries, both internally and externally, and inasmuch as all or part of his injuries are permanent and lasting in nature, he has and will in the future suffer great pain of body and mind.

24. As a further direct and proximate result of the Defendants negligent acts and or other violations of law, Plaintiff Ferguson was proximately caused to incur divers

and sundry expenses for medical care and treatment to date in an amount undetermined, and inasmuch as all or part of Plaintiff Ferguson's injuries are permanent and lasting in nature, he has and will in the future suffer divers and sundry expenses for medical care and attention in an effort to treat, manage and/or effect a cure for his injuries and causally related symptomatologies; Plaintiff Ferguson has suffered a diminution in his ability and capacity to care for himself and enjoy a normal life; Plaintiff Ferguson is anticipated to sustain future loss of earning capacity; and all of which will continue into the future.

24. As a further direct and proximate result of the negligent acts and/or omission, and/or other violations of the law by the Defendants, Plaintiff Ferguson has been prevented from carrying out the duties and responsibilities of his life; Plaintiff Ferguson has been prevented from leading his life socially and recreationally as he had prior to this accident; Plaintiff Ferguson's permanent injuries have adversely affected his ability to enjoy the ordinary functions of life, together with the capability to function as a whole person; and all of which will continue into the future.

#### COUNT V - PROPERTY DAMAGE

25. Plaintiffs hereby incorporate by reference all paragraphs of this Complaint as if fully restated herein.

26. As a further direct and proximate result of carelessness, negligence, and violations of the law by Defendants as aforesaid, Plaintiff David Schrieber was caused and continues to suffer property damage losses, including but not limited to the following, but not limited to: Loss of Use, Annoyance, Inconvenience, Aggravation, costs, and expenses.

**WHEREFORE**, Plaintiff Courtmey Ferguson and Plaintiff David Schrieber demand judgment against Defendants Markieth Saunders and Miete L.L.C. in an amount in excess of the minimum jurisdictional limits as compensatory damages, plus pre and post-judgment interest and costs and such further relief as a court or jury may find; and Plaintiffs further demand interest and costs incurred in and about the prosecution of this action and for such other relief as a court or jury may find. The minimum jurisdictional amount for filing this action has been satisfied.

**PLAINTIFFS DEMAND A TRIAL BY JURY ON ALL ISSUES.**

Respectfully submitted,

Plaintiffs, et al.

By:

*[Signature]*  
***Plaintiffs' Counsel***

Ronald W. Zavolta (W.Va. State Bar ID #8739)

Paul J. Ratcliffe (W.Va. State Bar ID #13453)

Michael P. Zavolta (W.VA. State Bar ID #13871)

**ZAVOLTA LAW OFFICE**

1287 Fairmont Pike Road

Wheeling, WV 26003

Telephone: (304) 905-8073

Facsimile: (304) 905-8992

Email: Paul@Zavoltalaw.net

**CIVIL CASE INFORMATION STATEMENT**  
**CIVIL CASES**

**In the Circuit Court of Ohio County, West Virginia**

**I. CASE STYLED:** Courtney Ferguson and David Schrieber v. Markieth Saunders & Miete, LLC

**Plaintiffs:**

Civil Action No. 20-C-247

Judge: Wilson

**Courtney Ferguson**  
 14969 Reedley Street  
 Moorpark, CA 93021

**David Schrieber**  
 68 18<sup>th</sup> Street  
 Wheeling, WV 26003

vs.

**Defendants:**

**Days to Answer**

**Type of Service**

**Markieth Saunders**  
 4707 Cairnvillage  
 Houston, TX 77084

**20**

**Certified Mail**

**Miete, LLC**  
 c/o Tyrun Huwa  
 4626 WCR 65  
 Keenesburg, CO 80643

**20**

**Certified Mail**

Original and 3 copies of the Complaint are furnished herein.

<b>PLAINTIFFS:</b> Courtney Ferguson and David Schrieber <b>DEFENDANTS:</b> Markieth Saunders and Miete, LLC	Civil Action Number:
-----------------------------------------------------------------------------------------------------------------------	----------------------

**II. TYPE OF CASE:**

<input checked="" type="checkbox"/> General Civil	<input type="checkbox"/> Adoption	<input type="checkbox"/> Malpractice
<input type="checkbox"/> Mass Litigation (as	<input type="checkbox"/> Administrative Agency	<input checked="" type="checkbox"/> Personal Injury

defined in TCR Rule XIX(c))	Appeal	
<input type="checkbox"/> Asbestos	<input type="checkbox"/> Civil Appeal from Magistrate Court	<input type="checkbox"/> Product Liability
<input type="checkbox"/> Carpal Tunnel Syndrome	<input type="checkbox"/> Miscellaneous Civil	<input checked="" type="checkbox"/> Auto
<input type="checkbox"/> Silicone Implants	<input type="checkbox"/> Mental Hygiene	<input type="checkbox"/> Contract
<input type="checkbox"/> Industrial Hearing Loss	<input type="checkbox"/> Guardianship	<input type="checkbox"/> Real Property
<input type="checkbox"/> Diet Drugs	<input type="checkbox"/> Modification/Magistrate Rules	<input type="checkbox"/> Habeas Corpus/Other Extraordinary Writ
<input type="checkbox"/> Note/Payments of Debt	<input type="checkbox"/> Commercial Credit	<input type="checkbox"/> Other - Insurance/Unfair Claims Settlement Practices

**III. JURY DEMAND:**  Yes  No

CASE WILL BE READY FOR TRIAL BY (MONTH/YEAR): unknown

**IV. DO YOU OR ANY OF YOUR CLIENTS OR WITNESSES IN THIS CASE REQUIRE SPECIAL ACCOMMODATIONS DUE TO A DISABILITY?**  Yes  No

If yes, please specify:

- Wheelchair accessible hearing room and other facilities
- Interpreter or other auxiliary aid for the hearing impaired
- reader or other auxiliary aid for the visually impaired
- spokesperson or other auxiliary aid for the speech impaired
- Other:

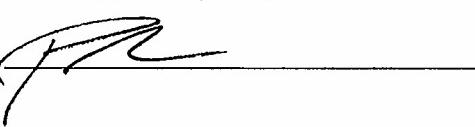
Attorney: Ronald W. Zavolta (WV No. 8739)  
 Paul J. Ratcliffe (WV No. 13453)  
 Michael P. Zavolta (WV No. 13871)

Firm: **Zavolta Law Offices**

Address: 1287 Fairmont Pike Road, Wheeling, WV 26003  Cross-Complainant

Telephone: (304) 905-8073

Dated: December 1, 2020

Signature: 

**Representing:**

- Plaintiffs
- Defendants
- Cross-Complainant
- Cross-Defendant
- Proceeding without an attorney

**SUMMONS**  
CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

COURTNEY FERGUSON and  
DAVID SCHRIEBER  
PLAINTIFF,

VS.

MARKIETH SAUNDERS and  
MIETE, LLC  
DEFENDANT.

CIVIL ACTION NO. 20-C-247  
JUDGE: RONALD E. WILSON

**To the above named Defendant:**

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon RONALD W. ZAVOLTA, plaintiff's attorney, whose address is ZAVOLTA LAW OFFICES, 1287 FAIRMONT PIKE ROAD, WHEELING, WV, 26003 an answer including any related counterclaim you may have to the complaint filed against you in the above civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above style civil action.

BRENDA L MILLER

CLERK OF COURT

Dated: December 01, 2020

***Please Serve:***

**MARKIETH SAUNDERS  
4707 CAIRNVILLAGE  
HOUSTON, TX 77084**

d:\corel\boiler\civsum.wpd



**SUMMONS**

CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

COURTNEY FERGUSON  
PLAINTIFF,

VS.

CIVIL ACTION NO. 20-C-247  
JUDGE: RONALD E. WILSON

MARKIETH SAUNDERS and  
MIETE, LLC  
DEFENDANT.

To the above named Defendant:

IN THE NAME OF THE STATE OF WEST VIRGINIA, you are hereby Summoned and required to serve upon RONALD W. ZAVOLTA, plaintiff's attorney, whose address is ZAVOLTA LAW OFFICES, 1287 FAIRMONT PIKE ROAD, WHEELING, WV, 26003 an answer including any related counterclaim you may have to the complaint filed against you in the above civil action, a true copy of which is herewith delivered to you. You are required to serve your answer within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint and you will be thereafter barred from asserting in another action any claim you may have which must be asserted by counterclaim in the above style civil action.

BRENDA L MILLER

CLERK OF COURT

Dated: December 01, 2020

*Please Serve:*  
**MIETE LLC**  
**c/o TYRUN HUWA**  
**4626 WCR 65**  
**KEENESBURG, CO 80643**

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P. 1

## \* \* \* Communication Result Report (Dec. 1, 2020 3:51PM) \* \* \*

1} Circuit Clerk Fax 3042920550  
2}

Date/Time: Dec. 1, 2020 3:50PM

File No. Mode	Destination	Pg(s)	Result	Page Not Sent
8212 Memory TX	Judge Wilson	P. 2	OK	

Reason for error

E. 1) Hang up or line fail	E. 2) Busy
E. 3) No answer	E. 4) No facsimile connection
E. 5) Exceeded max. E-mail size	E. 6) Destination does not support IP-Fax

GPO : 2021 OMB : 2021

CIVIL CASE INFORMATION STATEMENT  
CIVIL CASES

In the Circuit Court of Ohio County, West Virginia

I. CASE STYLED: Courtney Ferguson and David Schrieber v. Marketh Saunders &amp; Mite, LLC

Plaintiffs: Civil Action No. 20-C-247Judge: WilsonCourtney Ferguson  
14959 Reedley Street  
Morpark, CA 93021David Schrieber  
68 18th Street  
Wheeling, WV 26003

vs.

Defendants: Day to Answer Type of Service

Marketh Saunders 20 Certified Mail  
4707 Cairnvillage  
Houston, TX 77084Mite, LLC 20 Certified Mail  
c/o Tyrun Huwa  
4626 WCR 66  
Keenesburg, CO 80643Original and 3 copies of the Complaint are furnished herein.

PLAINTIFFS: Courtney Ferguson and David Schrieber	Civil Action Number:
DEFENDANTS: Marketh Saunders and Mite, LLC	

## II. TYPE OF CASE:

<input checked="" type="checkbox"/> General Civil	<input type="checkbox"/> Adoption	<input type="checkbox"/> Malpractice
<input type="checkbox"/> Mass Litigation (es)	<input type="checkbox"/> Administrative Agency	<input checked="" type="checkbox"/> Personal Injury

OFFICE OF THE CIRCUIT CLERK

RECEIPT #: 100369

OHIO  
 1500 CHAPLINE ST.  
 WHEELING

DATE RECEIVED: 12/01/2020

RECEIVED FROM: ZAVOLTA LAW

TOTAL: \$270.00

## STYLE OF CASE

COURTNEY FERGUSON  
 VS.  
 MARKIETH SAUNDERS

CASE #: 20-C-247

IN PAYMENT OF FILING/MULTI DEF/CM  
 BY Check 5526

BRENDA L MILLER  
 CLERK OF THE CIRCUIT COURT

BY BH✓

2280 0000 5198 4493

U.S. Postal Service™  
**CERTIFIED MAIL® RECEIPT**  
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**OFFICIAL USE**

Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	
\$	
Total Postage and Fees	
\$	

Sent To: *Markieth Saunders*  
 Street and Apt. No., or PO Box No. *4707 Fairvillage*  
 City, State, ZIP+4 *Houston, TX 77084*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

*sent out 12/2/20*

Postmark Here

2019 2280 0000 5198 4486

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Certified Mail Fee	
\$	
Extra Services & Fees (check box, add fee as appropriate)	
<input type="checkbox"/> Return Receipt (hardcopy)	\$ _____
<input type="checkbox"/> Return Receipt (electronic)	\$ _____
<input type="checkbox"/> Certified Mail Restricted Delivery	\$ _____
<input type="checkbox"/> Adult Signature Required	\$ _____
<input type="checkbox"/> Adult Signature Restricted Delivery	\$ _____
Postage	
\$	
Total Postage and Fees	
\$	

Sent To: *Michele LLC C/o Tyrun Hines*  
 Street and Apt. No., or PO Box No. *4624 WCL 65*  
 City, State, ZIP+4 *Kennesburg, CO 80643*

PS Form 3800, April 2015 PSN 7530-02-000-9047 See Reverse for Instructions

*sent out 12/2/20*

Postmark Here

DOMESTIC RETURN RECEIPT

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>																	
<ul style="list-style-type: none"> <li><input type="checkbox"/> Complete items 1, 2, and 3.</li> <li><input type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</li> <li><input type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits.</li> </ul>		<p>A. Signature  <input checked="" type="checkbox"/> <i>C. Saunders</i> <input type="checkbox"/> Agent  <input type="checkbox"/> Addressee</p> <p>B. Received by (Printed Name) <i>KT 42 PCLP R</i> C. Date of Delivery <i>R-7</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes      If YES, enter delivery address below: <input type="checkbox"/> No</p>																	
<p>1. Article Addressed to:  <i>Markieith Saunders</i>  <i>4707 Cairnvillage</i>  <i>Houston, TX 77084</i>  <i>20-C-247</i>    <i>9590 9402 6064 0125 0619 60</i></p>		<p>3. Service Type</p> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 50%;"><input type="checkbox"/> Adult Signature</td> <td style="width: 50%;"><input type="checkbox"/> Priority Mail Express®</td> </tr> <tr> <td><input type="checkbox"/> Adult Signature Restricted Delivery</td> <td><input type="checkbox"/> Registered Mail™</td> </tr> <tr> <td><input type="checkbox"/> Certified Mail®</td> <td><input type="checkbox"/> Registered Mail Restricted Delivery</td> </tr> <tr> <td><input checked="" type="checkbox"/> Certified Mail Restricted Delivery</td> <td><input checked="" type="checkbox"/> Return Receipt for Merchandise</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery</td> <td><input type="checkbox"/> Signature Confirmation™</td> </tr> <tr> <td><input type="checkbox"/> Collect on Delivery Restricted Delivery</td> <td><input type="checkbox"/> Signature Confirmation Restricted Delivery</td> </tr> <tr> <td><input type="checkbox"/> Insured Mail</td> <td></td> </tr> <tr> <td><input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)</td> <td></td> </tr> </table>		<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®	<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™	<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery	<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise	<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™	<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery	<input type="checkbox"/> Insured Mail		<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)	
<input type="checkbox"/> Adult Signature	<input type="checkbox"/> Priority Mail Express®																		
<input type="checkbox"/> Adult Signature Restricted Delivery	<input type="checkbox"/> Registered Mail™																		
<input type="checkbox"/> Certified Mail®	<input type="checkbox"/> Registered Mail Restricted Delivery																		
<input checked="" type="checkbox"/> Certified Mail Restricted Delivery	<input checked="" type="checkbox"/> Return Receipt for Merchandise																		
<input type="checkbox"/> Collect on Delivery	<input type="checkbox"/> Signature Confirmation™																		
<input type="checkbox"/> Collect on Delivery Restricted Delivery	<input type="checkbox"/> Signature Confirmation Restricted Delivery																		
<input type="checkbox"/> Insured Mail																			
<input type="checkbox"/> Insured Mail Restricted Delivery (over \$500)																			
<p>2. Article Number (Transfer from service label)  <i>7019 2280 0000 5196 4493</i></p>		Domestic Return Receipt																	

PS Form 3811, July 2015 PSN 7630-02-000-9053

3

20-C-247

<b>SENDER: COMPLETE THIS SECTION</b>		<b>COMPLETE THIS SECTION ON DELIVERY</b>	
<ul style="list-style-type: none"> <li><input checked="" type="checkbox"/> Complete items 1, 2, and 3.</li> <li><input checked="" type="checkbox"/> Print your name and address on the reverse so that we can return the card to you.</li> <li><input checked="" type="checkbox"/> Attach this card to the back of the mailpiece, or on the front if space permits. <i>20-C-247</i></li> </ul>		<p>A. Signature <i>Jamie Peake</i></p> <p>B. Received by (Printed Name) <i>Jamie Peake</i></p> <p>C. Date of Delivery <i>12-7-10</i></p> <p>D. Is delivery address different from item 1? <input type="checkbox"/> Yes If YES, enter delivery address below: <input type="checkbox"/> No</p>	
<p>1. Article Addressed to:</p> <p><i>Mete LLC c/o Tyrus Huwa 4620 WCR 65 Keenesburg, CO 80643</i></p> <p>9590 9402 6064 0125 0619 53</p>		<p>3. Service Type</p> <p><input type="checkbox"/> Adult Signature <input type="checkbox"/> Priority Mail Express®  <input type="checkbox"/> Adult Signature Restricted Delivery <input type="checkbox"/> Registered Mail™  <input type="checkbox"/> Certified Mail® <input type="checkbox"/> Registered Mail Restricted Delivery  <input checked="" type="checkbox"/> Certified Mail Restricted Delivery <input type="checkbox"/> Return Receipt for Merchandise  <input type="checkbox"/> Collect on Delivery <input type="checkbox"/> Signature Confirmation™  <input type="checkbox"/> Collect on Delivery Restricted Delivery <input type="checkbox"/> Signature Confirmation  <input type="checkbox"/> Insured Mail <input type="checkbox"/> Restricted Delivery (over \$500)</p>	
<p>2. Article Number (Transfer from service label) <i>7019 2280 0000 5196 4486</i></p> <p>PS Form 3811, July 2015 PSN 7530-02-000-8053</p> <p>Domestic Return Receipt</p>			

4

**IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA**

**COURTNEY R. FERGUSON &  
DAVID SCHREIBER,**

**Plaintiffs,**

v.

**CIVIL ACTION NO. 20-C-247  
Judge Ronald E. Wilson**

**MARKEITH SAUNDERS &  
MIETE L.L.C.,**

**Defendants.**

**NOTICE OF BONA FIDE DEFENSE FOR DEFENDANT MARKEITH SAUNDERS**

Pursuant to the provisions of Rule 12(a) of the West Virginia Rules of Civil Procedure, Defendant Markeith Saunders hereby notifies Plaintiffs that Defendant has a bona fide defense to the claims asserted in this action, all of which will be more particularly set forth in his answer or other responsive pleadings.

**MARKEITH SAUNDERS**

By SPILMAN THOMAS & BATTLE, PLLC

Glen A. Murphy (WV State Bar #5587)  
James S. Simon (WV State Bar #13265)  
300 Kanawha Boulevard, East (Zip 25301)  
P.O. Box 273  
Charleston, WV 25321-0273  
304-340-3800

5

2021-01-06 10:44  
FBI - CINCINNATI

IN THE CIRCUIT COURT OF OHIO COUNTY, WEST VIRGINIA

COURTNEY R. FERGUSON &  
DAVID SCHREIBER,

Plaintiffs,

v.

CIVIL ACTION NO. 20-C-247  
Judge Ronald E. Wilson

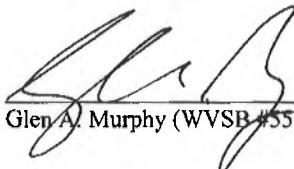
MARKEITH SAUNDERS &  
MIETE L.L.C.,

Defendants.

**CERTIFICATE OF SERVICE**

I, Glen A. Murphy, hereby certify that service of the foregoing **Notice of Bona Fide Defense for Defendant Markeith Saunders** has been made upon the following by placing a true copy thereof in an envelope deposited in the regular course of the United States Mail, with postage prepaid, on this 28<sup>th</sup> day of December, 2020, addressed as follows:

Ronald W. Zavolta, Esq. (WV State Bar #8739)  
Paul J. Ratcliffe, Esq. (WV State Bar #13453)  
Michael P. Zavolta, Esq. (WV State Bar #13871)  
ZAVOLTA LAW OFFICE  
1287 Fairmont Pike Road  
Wheeling, WV 26003  
*Counsel for Plaintiffs*

  
\_\_\_\_\_  
Glen A. Murphy (WVSB #5587)



304.340.3840  
g murphy@spilmanlaw.com

December 28, 2020

Brenda L. Miller  
Clerk of the Circuit Court  
Ohio County Courthouse  
1500 Chapline Street  
Wheeling, WV 26003

**Re: Courtney R. Ferguson & David Schreiber v. Markeith Saunders &  
Miete L.L.C.  
Civil Action No: 20-C-247  
Ohio County, WV**

Dear Clerk:

Enclosed for filing in the above-referenced civil action is the "Notice of Bona Fide Defense for Defendant Markeith Saunders." Counsel of record has been served with a copy.

Thank you for your assistance in this matter.

Very truly yours,

A handwritten signature in black ink, appearing to read "Glen A. Murphy".

GAM/sdw2

Enclosure

cc: Ronald W. Zavolta, Esq.  
Paul J. Ratcliffe, Esq.  
Michael P. Zavolta, Esq.